

6:30 p.m. Study Session:

- License for Encroachment
- MVRPC Going Places! Presentation

Agenda

Tipp City City Council

7:30 p.m. Monday, March 1, 2010

Tipp City Government Center

260 South Garber Drive

Tipp City, Ohio 45371-3116

	Agenda Item	Presenter
1.	Call to Order - Roll Call	President Hale
2.	Prayer for Guidance, Pledge of Allegiance	Pastor Andy Warren, Victory Assembly of God
3.	Motion to Approve the Agenda	President Hale
4.	Minutes of the February 16, 2010 Pre-Meeting Study Session Minutes of the February 16, 2010 City Council Meeting	President Hale
5.	Presentations, Proclamations, & Awards <ul style="list-style-type: none">• Proclamation for Developmental Disabilities Month• Riverside MRDD Presentation to Police Department• Downtown Tipp City Partnership quarterly update	Mayor Gillis
6.	Legislation	
	Ordinances (<i>second reading</i>) A. Ordinance No. __-10: An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,875,000, in anticipation of the issuance of bonds, for the purpose of paying (I) the City's portion of the costs of improving County Road 25A between certain termini within the City in cooperation with the Director of Transportation of the State of Ohio by paving, draining and constructing curbs, gutters and necessary approaches, together with all necessary appurtenances thereto, (II) the costs of extending Kinna Drive both Northerly and Southerly from the current termini, by excavating, grading, draining, paving, and curbing, installing	Mr. Crusey

	<p>street lighting, water lines and storm and sanitary sewer lines, fire protection systems and electric lines, together with all necessary appurtenances thereto and (III) the costs of improving the municipal electric utility by acquiring and installing a 1,825 KW back-up generator, together with all necessary appurtenances thereto. <i>(Sponsored by Mr. Kessler)</i></p> <p><u>Clerk of Council Summary:</u> This ordinance will allow the City to roll over notes for County Road 25A improvements, Kinna Drive improvements, and the acquisition and installation of an electric generator.</p>	
	<p>Resolutions <i>(one reading required)</i></p> <p>A. Resolution No. __-10: A resolution of necessity for improvements on Horton Avenue from Rohrer Drive East to S. Hyatt Street by reconstructing the street and replacing the curb and gutter, sidewalk, and driveway approaches where necessary.</p> <p><u>Clerk of Council Summary:</u> This legislation fulfills requirements of the Ohio Revised Code to outline the scope of a project and to provide notice of the City's intent to assess property owners for various public improvements.</p> <p>B. Resolution No. __-10: A resolution of necessity for improvements on Hartman Avenue from Miles Avenue East to Kiser Drive by reconstructing the street and replacing the curb and gutter, sidewalk, and driveway approaches where necessary.</p> <p><u>Clerk of Council Summary:</u> This legislation fulfills requirements of the Ohio Revised Code to outline the scope of a project and to provide notice of the City's intent to assess property owners for various public improvements.</p> <p>C. Resolution No. __-10: A resolution authorizing the City Manager to purchase two vehicles for the Police Department from Statewide Ford Lincoln-Mercury, Inc. in Van Wert, Ohio through the State of Ohio Purchasing Plan at a cost not to exceed \$49,077.00</p> <p><u>Clerk of Council Summary:</u> The City has budgeted \$51,500 in the Capital Improvement Reserve Fund to purchase two police vehicles and associated equipment.</p>	Mr. Crusey

	<p>D. Resolution No. __-10: A resolution declaring personal property owned by the City of Tipp City to be declared surplus property and no longer useful in the general operation of the City.</p> <p><u>Clerk of Council Summary:</u> This resolution declares the City's intent to dispose of surplus items in accordance with law for items with a value of \$1,000 or more.</p>	
	Ordinances <i>(first reading)</i>	Mr. Crusey
7.	<p>Motions</p> <p>A. Motion to make an appointment to the Restoration and Architectural Board of Review for a term expiring December 31, 2012.</p> <p>B. License for Encroachment</p>	President Hale
8.	<p>Miscellaneous</p> <p>A. BZA Appeal – Holiday Inn</p> <p>B. BZA Appeal – Gardens Alive!</p>	President Hale
9.	Citizen Comments on Items Not on the Agenda	
10.	Comments of Councilmembers/City Manager	
11.	Adjournment	

Council welcomes the comments and input of the public during the Council meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen's comments during any portion of the Council meeting or Public Hearing.

Any citizen who wishes to address Council must first seek recognition from the President of Council. Upon recognition by the President, the speaker should approach the podium, state their name and make their comments. Speakers should not leave the podium to approach Councilmembers without first obtaining permission. After completion of their comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to individuals at the podium to prevent any potential confusion or disruption.

AGENDA

ORDINANCES *(second reading)*

- A. **Note Renewal: CR 25-A , Kinna Drive &** – The adoption of this ordinance would authorize the re-issuance of short-term bond anticipation notes for past projects that have already been completed. The CR 25-A reconstruction project completed in 2006, the 2009 extension of Kinna Drive, and the electric generator purchased in 2006 were partly financed by the issuance of short-term debt, or 1-year bond anticipation notes. Annually, on the anniversary date of the issuance of the notes, the City must refinance, or rollover, its outstanding notes until such debt is financed with long-term debt. The City's

bond counsel has prepared this legislation for the sale of the CR-25A note (\$525,000), the Kinna Drive Extension note (\$425,000) and Electric Generator note (\$925,000). Bond anticipation notes in the amount of \$1,875,000 are scheduled to be sold on April 6, 2010 with the closing taking at the end of April. A memo from Finance Director Drennen is provided for Council's review.

RESOLUTIONS (one reading required)

- A. **Resolution of Necessity for Horton Avenue Reconstruction** – This Resolution of Necessity is the first step in the assessment process for the Horton Avenue Reconstruction project. This project involves the reconstruction of the street base and pavement, constructing storm sewer, replacing curb and gutter, driveway approaches, and sidewalk as necessary. The adoption of this resolution declares the necessity to improve Horton Avenue, from Roher Road to S. Hyatt Street, and assess the cost of curb & gutter, sidewalk, and driveway approaches against all lots and lands abutting upon said improvement. A three-fourths majority of Council is necessary to adopt this resolution.

Adjoining property owners will be notified in writing of their estimated cost for this project. Upon completion of the project an assessment ordinance will be presented to Council for the actual cost of the project.

- B. **Resolution of Necessity for Hartman Avenue Reconstruction** – This Resolution of Necessity is the first step in the assessment process for the Hartman/ Avenue Reconstruction project. This project involves the reconstruction of the street base and pavement, constructing storm sewer, installing water main and services, replacing curb and gutter, driveway approaches, and sidewalk as necessary. The adoption of this resolution declares the necessity to improve Hartman Avenue, from Miles Avenue to Kiser Drive, and assess the cost of curb & gutter, sidewalk, and driveway approaches against all lots and lands abutting upon said improvement. A three-fourths majority of Council is necessary to adopt this resolution.

Adjoining property owners will be notified in writing of their estimated cost for this project. Upon completion of the project an assessment ordinance will be presented to Council for the actual cost of the project.

- C. **Purchase of Two (2) Police Vehicles** – The adoption of this resolution authorizes the City Manager to purchase two police vehicles (2010 Ford Crown Victoria & 2010 Ford Expedition) at a cost not to exceed \$49,077 from Statewide Ford Lincoln-Mercury through the State of Ohio Cooperative Purchasing Program. The Capital Improvement Reserve Fund includes \$51,500 for the purchase of two police vehicles and associated equipment. These new vehicles will replace a 2006 (99,975 miles) and a 2000 (125,305 miles) vehicle.

- D. **Declaring Surplus Property** – The adoption of this resolution would declare a 1998 Woodchuck Chipper to be surplus property and authorize the City Manager to dispose of said property by public sale or auction. A new chipper for the Electric Department was included in the 2010 budget and has been purchased. The proceeds from the sale of the surplus chipper will be returned to the Electric Fund.

MOTIONS

- A. **Restoration and Architectural Review Board Appointment** - The Clerk of Council has received one application for the vacancy on the Restoration and Architectural Review Board, which term expires December 31, 2012. A motion appointing an individual to the term expiring December 31, 2012 would be appropriate.
- B. **License for Encroachment** – Superior Auto Body, 27 West Franklin Street, has requested approval to install a pop machine within the right-of-way along Franklin Street. City Council reviewed this request at its February 16 study session and directed staff to prepare the necessary license agreement. A License for Encroachment at 27 W. Franklin St. is attached for Council's consideration.

MISCELLANEOUS

- A. **Holiday Inn Appeal of a BZA Decision** – Holiday Inn Express, 110 West Main Street, has filed an appeal of the Board of Zoning Appeals decision upholding the Zoning Administrator’s determination that a variance cannot be granted for the area of sign. The maximum area for a ground mounted sign abutting I-75 is 120 square feet. Holiday Inn Express requested a variance to allow a 200 square foot sign. Holiday Inn Express, however, is permitted to utilize a pre-existing, non-conforming, sign on their property that has an area of 182 square feet. Section 154.107(D) of the Tipp City Code of Ordinances specifically limits the BZA’s authority to grant a variance to the height of a sign only. The Law Director has issued a legal opinion (attached) that City Council is not authorized to grant a variance for a sign with an area of 200 square feet.
- B. **Gardens Alive! Appeal of a BZA Decision** – Gardens Alive! has filed an appeal of the Board of Zoning Appeals decision to uphold the Planning Boards ruling denying Gardens Alive!’s request for a waiver from the off-street parking and paving requirements. Garden Alive! expanded an existing structure at 457 E. Evanston Road requiring additional off-street parking to be provided and the existing and additional off-street parking area to be paved. Gardens Alive! had requested a waiver to not be required to provide additional off-street parking or the pave the off-street parking area.